

11-28-01

A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 199-0792 (FGT 1605 PA)

Anticipated Classification of this application

Class _____ Subclass _____

Prior application:

Examiner: D. Le
Art Unit: 2834Assistant Commissioner
for Patents
Box Patent Application
Washington, D.C. 20231

FILING UNDER 37 CFR 1.53(b)

- WARNING: A c-i-p (continuation-in-part) cannot be filed under 37 CFR 1.53.
- WARNING: Filing under 37 CFR 1.53 is permitted only if filed by the same or less than all the inventors named in the prior application.
- WARNING: The filing of an application as the United States stage of an International Application requires an oath or declaration. 37 CFR 1.61(a)(4).
- WARNING: The claims of this new application may be finally rejected in the first Office action where all claims of the new application are drawn to the same invention claimed in the earlier application and would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application. MPEP '706.07(b).

This request for filing a

_____ Continuation _____ ☒ Divisional

application under 37 CFR 1.53, of pending prior application serial no. 09/567,345 filed on May 9, 2000 of Feng Liang, John Michael Miller and Xingvi Xu (inventor(s))
for Hybrid Permanent Magnet/Synchronous Machines (title of invention)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this 37 CFR 1.53 request and the documents referred to as attached therein are being deposited with the United States Postal Service on this date November 27, 2001 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number FL817594150US addressed to the: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Angie Moscowitz
(Type or print name of person mailing paper)

Angie Moscowitz
(Signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. (37 CFR 1.10(b)).

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3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

NOTE: Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary).

(check the next item, if applicable)

_____ There is provided herewith a Petition To Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently).

4. Fee Calculation (37 CFR 1.16)

	No. Filed	No. Extra	Small Entity Fee	Large Entity Fee
Basic Fee			\$355	\$740.00
Total Claims	6 -20		x9 =	x18 =
Indep. Claims	3 -3		x42 =	x84 =
Multiple Dependent Claims			+140 =	+280 =
			TOTAL \$	TOTAL \$
				\$740.00

_____ Fee for extra claims is not being paid at this time. (37 CFR 1.16(d))

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency, 37 CFR 1.16(d)).

Filing Fee Calculation \$740.00

5. Small Entity Status

_____ A verified statement that this filing is by a small entity:

_____ is attached

_____ has been filed in the parent application and such status is still proper and desired
(37 CFR 1.28(a))

Filing Fee Calculation (50% of above) \$

NOTE: Any excess of the full fee paid will be refunded if a verified statement is filed within 2 months of the date of timely payment of a full fee then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

NOTE: 37 CFR 1.28(a), last sentence states: "Applications filed under '1.53 of this part must include a reference to a verified statement in a parent application if status as a small entity is still proper and desired."

6. Drawings

WARNING: Do not check the following box if prior case is not to be abandoned.

_____ Transfer the drawings from the prior application to this application and, subject to item 17 below, abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file. (May only be used if signed by (1) applicant, (2) assignee of record or (3) attorney or agent of record authorized by 37 CFR 1.138 and before payment of issue fee).

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NOTE: "A registered attorney or agent acting under the provisions of '1.34(a), or of record, may also expressly abandon a prior application as of the filing date granted to a continuing application when filing such a continuing application." 37 CFR 1.138.

_____ Transfer the following sheet(s) of drawing from the prior application to this application _____.

NOTE: Transferred sheets must be cancelled in prior application. 37 CFR 1.88.

_____ A copy of the amendment cancelling these sheets of drawing in the prior application is attached.

_____ New drawings are enclosed:

_____ formal
_____ informal

WARNING: DO NOT submit original drawings. A high quality copy of drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards of '1.84. If corrections to the drawings are necessary, they should be made to the original drawings and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. Comments on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1090 0.6. 57-62).

NOTE: "Identifying indicia such as the serial number, group art unit, title of the inventor, attorney's docket number, inventor's name, number of sheets, etc. not to exceed 2-3/4 inches (7.0 cm.) in width may be placed in a centered location between the side edges within three-fourths inch (19.1 mm.) of the top edge. Either this marking technique on the front of the drawing or the placement, although not preferred, of this information and the title of the invention on the back of the drawings is acceptable." Proposed 37 CFR 1.84(1). Notice of March 9, 1988 (1090 0.6. 57-62).

7. Priority - 35 U.S.C. 119

_____ Priority of application serial no. 0 / _____ filed on _____ in _____ is claimed under 35 U.S.C. 119. (country)

_____ The certified copy has been filed in prior U.S. application serial no. 0 / on _____.

_____ The certified copy will follow.

8. Relate Back - 35 U.S.C. 120

X The enclosed Preliminary Amendment awards the specification to relate back to the parent case.

NOTE: The proper reference to a prior filed PCT application which entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application which designated the U.S.

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9. Inventorship Statement

NOTE: If the continuation or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation or divisional application. 37 CFR 1.53(b) [emphasis added].

(complete appropriate items (a) and (b))

- (a) With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application is (are):

(complete applicable item below)

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

(Type name(s) of inventor(s) to be deleted)

- (b) The inventorship for all the claims in this application are:

☒ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

10. Assignment

☐ The prior application is assigned of record to _____
☐ an assignment of the invention to _____ is attached.

11. Fee Payment Being Made At This Time

☐ Not Enclosed

☐ No filing fee is submitted. (This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently).

☒ Enclosed via check

☒ basic filing fee \$ 740.00

☐ recording assignment (\$40.00; 37 CFR 1.21(h)) \$

☐ processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l)) \$

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid or else the processing and retention fee of '1.21(l) must be paid within 1 year from notification under '53(d).

Total fees enclosed \$ 740.00

[illegible]

_____charge Account No. ____ in the amount of \$__.

13. Authorization To Charge Additional Fees

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claim charges are authorized.

 X 37 CFR 1.1b(a), (f) or (g) (filing fees)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PT0 in any notice of fee deficiency (37 CFR 1.16(d)) it might be best not to authorize the PT0 to charge additional claim fees, except possibly when dealing with amendments after final action.

WARNING: While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under '1.13b(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.13b(a) is to no avail unless a request or petition for extension is filed." [Emphasis added]. Notice of November 5, 1985 (1060 E.G. 27).

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the Notice of Allowance. 37 CFR 1.311(b)).

14. Power of Attorney

41,823
Req. No.

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c. _____ A new power has been executed and is attached.

d. ☒ Address all future communications to:

Steven W. Hays, Esq.
Artz & Artz, P.C.
28333 Telegraph Road, Suite 250
Southfield, MI 48034

(Item d may only be completed by applicant, or attorney or agent of record)

15. Maintenance of Copendency of Prior Application

(This item must be completed and the papers filed in the prior application if the period set in the prior application has run)

_____ A petition, fee and response has been filed to extend the term in the pending prior application until _____.

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the Continuation Application. Notice of November 5, 1985 (1060 0.6. 27).

_____ A copy of the petition for extension of time in the prior application is attached

16. Conditional Petition for Extension of Time in Prior Application

(complete this item and file conditional petition in the prior application if previous item not applicable)

_____ a conditional petition for extension of time is being filed in the pending parent application.

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the paper constituting the filing of the continuation application. Notice of November 5, 1985 (1060 0.6. 27).

_____ A copy of the conditional petition for extension of time in the prior application is attached.

17. Abandonment of Prior Application (if applicable)

WARNING: (Do not complete this item if the application being filed is a divisional of the prior application which is not being abandoned)

NOTE: "A registered attorney or agent acting under the provisions of 1.34(a), or of record, may also expressly abandon a prior application as of the filing date granted to a continuing application when filing such a continuing application." 37 CFR 1.138.

_____ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

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I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Steven W. Hays
Type or print name of person signing

November 27, 2001

Date

Steven W. Hays
Signature

P.O. Address of Signatory

28333 Telegraph Road
Suite 250
Southfield, Michigan 48034

____ Inventor

____ Assignee of complete interest

Tel. No.: (248) 223-9500

____ Person authorized to sign on
assignee

Reg. No. 41,823
(if applicable)

X Attorney or agent of record

____ Filed under Rule 34(a)

(complete the following if applicable)

Type name of assignee

Address of assignee

Title of person authorized to sign on
behalf of assignee

Assignment recorded in PTO on _____

Reel _____ Frame _____